



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: September 15, 2004

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Conference with labor negotiators, Human Resources Director Joanne Narloch and Rick Bolanos, regarding Police Officers Association of Lodi and Lodi Police Dispatchers Association, pursuant to Government Code §54957.6
- b) Conference with labor negotiators, Human Resources Director Joanne Narloch and Rick Bolanos, regarding Lodi City Mid-Management Association, pursuant to Government Code §54957.6
- c) Prospective sale of real property located adjacent to 2028 Edgewood Drive (APN #039-10-18); negotiating parties are City of Lodi and property owner Bruce Sasaki; Government Code §54956.8
- d) Actual litigation: Government Code §54956.9(a); one case; Rogers v. City of Lodi et al., U.S. District Court, Eastern District, Case No. Civ. S-02-1961 DFL JFM
- e) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- f) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- g) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- h) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- i) Actual litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- j) Actual litigation: Government Code §54956.9(a); one case; Lehman Brothers Inc., v. City of Lodi and Lodi Financing Corporation, United States District Court, Eastern District of California Case No. CIV-S-04-0850 FCD/JFM
- k) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- l) Pursuant to Government Code §54956.9(c); conference with legal counsel; anticipated litigation/initiation of litigation regarding Stockton sphere of influence amendment; one potential case

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Frank Palmer, Woodbridge Missionary Baptist Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

a) National Employ the Older Worker Week

b) Public Power Week (EUD)

D-3 Presentations – None

E. Consent Calendar (Reading; comments by the public; Council action)

E-1 Receive Register of Claims in the amount of \$7,651,140.57 (FIN)

E-2 Approve minutes (CLK)

a) July 27, 2004 (Shirtsleeve Session)

b) August 3, 2004 (Shirtsleeve Session)

c) August 4, 2004 (Regular Meeting)

d) August 24, 2004 (Shirtsleeve Session)

e) August 24, 2004 (Special Meeting)

f) August 31, 2004 (Shirtsleeve Session)

g) August 31, 2004 (Special Meeting)

h) September 7, 2004 (Shirtsleeve Session)

i) September 7, 2004 (Special Meeting)

E-3 Approve specifications and authorize advertisement for bids for 288 watthour meters (EUD)

E-4 Approve specifications and authorize advertisement for bids for 40,000 feet of #1/0 15kV underground cable (EUD)

E-5 Approve specifications and authorize advertisement for bids for 20,000 feet of #1/0 and 40,000 feet of #350kcmil 600-volt underground triplex (EUD)

Res. E-6 Adopt resolution awarding purchase of wood utility poles (\$11,295.43) (EUD)

Res. E-7 Adopt resolution approving the Improvement Agreement for the Public Improvements of Vintner's Square and associated agreements, including a stop sign at Westgate Drive and Taylor Road and no-parking zone on Westgate Drive from Kettleman Lane to Taylor Road, and appropriate funds for required reimbursements (\$467,000) (PW)

Res. E-8 Adopt resolution approving Memorandum of Understanding between City of Lodi and Association of Lodi City Employees (Maintenance and Operators) (HR)

Res. E-9 Adopt resolution authorizing the City Manager to allocate a Public Benefits Program grant to fund a portion of the Lodi Grape Festival Solar Demonstration Project (\$50,000) (EUD)

Res. E-10 Adopt resolution approving the application for grant funds for the State Urban Parks and Healthy Communities Program under the 2002 Resources Bond Act (PR)

Res. E-11 Adopt resolution approving the application for grant funds for the Youth Soccer and Recreation Development Program under the 2002 Resources Bond Act (PR)

Res. E-12 Adopt resolution authorizing the destruction of certain records retained by the City Attorney's Office (CA)

E-13 Receive Impact Mitigation Fee Program Annual Report for fiscal year 2003-04 (PW)

Res. E-14 Receive Downtown Lodi Business Partnership 2004-05 Annual Report, adopt Resolution of Intent to levy annual assessment, and set public hearing for October 6, 2004 (CM)

- E-15 Set public hearing for October 20, 2004, to consider adopting resolution establishing area of benefit and reimbursable costs for Kettleman Lane improvements (PW)
- E-16 Set public hearing for October 20, 2004, to consider resolution adopting amended Impact Mitigation Fees for Storm Drainage, Streets and Roads, and Parks and Recreation (PW)
- Res. E-17 Adopt Resolution of Intention to abandon portion of Maxwell Street; refer the matter to the Planning Commission; and set public hearing for November 3, 2004 (PW)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Public Hearings

- G-1 Re-continue public hearing to December 15, 2004, to consider an appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road (CD)

H. Communications

- H-1 Claims filed against the City of Lodi – None
- H-2 Reports: Boards/Commissions/Task Forces/Committees – None
- H-3 Appointments – None
- H-4 Miscellaneous
 - a) Monthly Protocol Account Report (CLK)

I. Regular Calendar

- Res. I-1 Adopt Resolution of Intention to form Lodi Tourism Business Improvement District (BID) and
- Res. adopt resolution appointing the Advisory Board for the Lodi Tourism BID (FIN)
- Ord. I-2 Introduce ordinance amending Chapter 10.04, "Words and Phrases Defined," by adding Section
- (Introduce) 10.04.010 C (9) defining utility trailer and amending Chapter 10.52, "Regulation of Commercial Vehicle Travel and Parking," by repealing and re-enacting Section 10.52.060 (C) relating to utility trailers (PW)
- I-3 Discussion and appropriate action regarding compensation for Interim City Manager
- I-4 Consider options and give direction regarding the water and wastewater low-income discounts, senior fixed-income discounts, and the Lodi Customer Assistance & Relief Energy (CARE) Package Program (CA)

J. Ordinances

- Ord. J-1 Ordinance No. 1750 entitled, "An Ordinance of the City Council of the City of Lodi Amending
- (Adopt) Chapter 13.04 of the Lodi Municipal Code by Repealing and Reenacting Section 13.04.130, Relating to Low-Income Adjustments" (CLK)

K. Comments by the City Council Members on non-agenda items

L. Comments by the City Manager on non-agenda items

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston, City Clerk